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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,364

11/14/2005

Claudio Lacagnina

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01/05/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

LLP

901 NEW YORK AVENUE, NW

WASHINGTON, DC 20001-4413

EXAMINER

KNABLE, GEOFFREY L.

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,364

Applicant(s)

LACAGNINA, CLAUDIO

Examiner

Geoffrey L. Knable

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19, 21-25, 28-31 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21-25, 28-31 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 35 (read to be dependent on claim 30 as claim 32 is a canceled claim) defines that the actuating assembly comprises a carriage movable along a guide structure between belt applying devices and the delivery member (consistent with the original description of figs. 3-4). Claim 30 as amended however now defines that the actuating assembly causes translation of the auxiliary drum away from a vertical plane containing the rotation axis of the primary drum (consistent only with the original depiction/description of figs. 1-2). In the figs. 3-4 embodiment, however, the auxiliary drum is not moved away from the vertical plane as now claimed. There is thus no original descriptive support for use of a carriage movable along a guide structure that also is movable away from a vertical plane containing the rotation axis of the primary drum as now claimed, i.e. by having claim 35 dependent upon claim 30 as amended. This therefore represents subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter.

3. Claims 19, 21-25, 28-31 and 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At 5 lines from the end of claim 19, no antecedent has been established for "the strip like element" - it appears that "like" should be deleted. Note this same antecedent basis ambiguity at 9 and 11 lines from the end of claim 30.

In the second to last line of claim 19, no antecedent has been established for "the axial-alignment relationship" - it appears that this should read "coaxial-alignment relationship" to avoid this ambiguity as well as more clearly define the intended relationship. This same antecedent basis ambiguity is present in the second to last line of claim 30.

At 5 lines from the end of claim 30, "vertical plan" should be "vertical plane".

Claims 33-35 each depend from cancelled claim 32.

4. Claims 30, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. (US 4,985,100 - newly cited) or JP 3-114737 to Toyo Tire (newly cited).

Each of Sasaki et al. and JP '737 disclose an apparatus for assembling tires including a primary drum (8 in Sasaki et al.; 1 in JP in '737), an auxiliary drum (3a/3b in Sasaki et al; 4a/4b in JP '737) and a transfer member (9 in Sasaki et al.; 8 in JP '737) for transferring the belt/tread from auxiliary drum to the carcass on the primary drum. Further, the auxiliary drum is coaxial with the primary drum in one of the operative positions, in which position the belt layers are applied from devices for application of the belt layers. The auxiliary drum is also movable by the rotating turret in each reference

to a second position that is away from a vertical plane containing the axis of the primary drum (note the figures in each reference) and then again back to the first coaxial position. Further, in this second offset position, a device is provided for applying a ribbon/strip in contiguous coils. Although this device is for forming a coiled cap ply atop the belt, such would be capable of applying a tread ribbon/strip as well (or alternatively, the cap ply atop the belt could be considered to be part of the tread). In either case, the references suggest an apparatus that anticipates the claim 30 requirements, it being stressed that relative lateral displacements would have been necessary to form the coiled wound cap ply layer. As to claim 33, the turret would also move the auxiliary drum relative to the delivery member. As to claim 35, the turret carries the drum between devices for applying the belts and the delivery member.

5. Claims 19, 21-23, 28-31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 2001/0002608) taken in view of at least one of [Sasaki et al. (US 4,985,100 - newly cited) and JP 3-114737 to Toyo Tire (newly cited)] or at least one [Sasaki et al. (US 4,985,100 - newly cited) and JP 3-114737 to Toyo Tire (newly cited)] taken in view of Okada et al. (US 2001/0002608) and Miyamoto et al. (US 5,399,225 - newly cited).

As to the first rejection, Okada et al. is applied for substantially the same reasons as set forth in the last office action. With respect to the new features in claims 19 and 30, the auxiliary drum in Okada et al. is coaxial with the primary drum during application of the belts and then moved to a second position for application of the strip wound tread. This motion, however (and as noted by applicant), in either the fig 1 or the figs.

7/8 embodiments, is not away from a vertical plane containing the rotation axis of the primary drum as now claimed.

Sasaki et al. and JP '737 are both directed to a device for splitting the belt/tread formation into building at two different positions and suggest, much like the Okada figs. 7-8 embodiment, using a turret to move the drum between positions. Unlike Okada, however, the turret in Sasaki et al. and JP '737 rotates in a horizontal plane around a vertical axis and further, the drum is moved away from the vertical plane of the primary drum in the second position (note the figures in each reference). In view of these teachings, it would have been understood to be an essentially equivalent and obvious mechanical alternative to allow for repositioning of the drum between the two belt/tread building positions in Okada et al. to use a turret rotatable in a horizontal plane around a vertical axis rather than in a vertical plane rotatable around a horizontal axis, the secondary references likewise also then suggesting that the drum be offset from the vertical primary drum plane in the second position. Only the expected and predictable results, including different space requirements (e.g. less height needed), would follow. A method/apparatus as claimed would therefore have been obvious.

As an alternative ground of rejection, Sasaki et al. and JP '737, as detailed in the preceding rejection, disclose essentially the basic claimed apparatus and corresponding process, including the newly claimed features of the auxiliary drum being moved/movable away from a vertical plane containing the primary drum axis. Further, the belts are applied with the drum in the coaxial position as claimed. However, in these references, the tread is described as applied in the first coaxial position rather

than the second position. Okada et al. is also directed to formation of a belt/tread assembly at two different building positions and in particular suggests that the belts can be applied at one position while a strip wound tread is suitably applied at the second position. Miyamoto et al. likewise is directed to forming a belt/tread assembly at two different building positions and evidences an understanding in this art that the appropriate division of the various assembly steps between the two positions depends upon the particular building times required for the various different steps, variations thereof (including winding the tread at the same position as the winding of the cap ply/jointless - fig. 6) being obvious and leading to only expected results (note esp. figs. 6-7 and the related description). In view of these teachings, it would have been obvious to modify the basic teachings of Sasaki et al. or JP '737 to strip wind the tread at the second position as an extruded strip winding as claimed, the advantages of strip winding (lack of a joint, etc.) being well understood in this art. The specifics of the extrusion winding and related relative movements in the independent as well as dependent claims are suggested/obvious over Okada et al. for the same reasons set forth in the last office action. A method and apparatus as claimed would therefore have been obvious.

6. Claims 24, 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Sasaki et al. (US 4,985,100 - newly cited) or JP 3-114737 to Toyo Tire (newly cited)] (for claim 34 only) as applied to claim 30 above, or over Okada et al. (US 2001/0002608) taken in view of at least one of [Sasaki et al. (US 4,985,100 - newly cited) and JP 3-114737 to Toyo Tire (newly cited)] or at least one [Sasaki et al. (US

4,985,100 - newly cited) and JP 3-114737 to Toyo Tire (newly cited)] taken in view of Okada et al. (US 2001/0002608) and Miyamoto et al. (US 5,399,225) as applied above, and further in view of Caretta et al. (US 2001/0042586) as applied in the last office action.

7. Applicant's arguments filed 10/14/2008 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments to the claims.

It is agreed that previously applied Hollmann and Okada et al. do not suggest movement of the auxiliary drum away from the vertical plane containing the rotation axis of the primary drum but note the new grounds of rejection necessitated by the amendments to the claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
January 2, 2009